

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

**ROBERT L. EMMONS and
KIMBERLY EMMONS,
individually and as husband and wife,**

Plaintiffs,

v.

No. 2:08-cv-2400-STA-cgc

**GUARANTEE INSURANCE COMPANY,
MILLER ELECTRIC MFG. CO., INC.,
AIRGAS--MID SOUTH, INC.,**

Defendants.

ORDER GRANTING MOTION TO COMPEL

On August 25, 2009, Defendant Airgas–MidSouth, Inc. filed a Motion to Compel Production of Inspection Records from Plaintiffs. (D.E. #53). The instant motion was referred to United States Magistrate Judge Charmiane G. Claxton for determination. (D.E. #54). Pursuant to Local Rule 7.2(a)(2), the non-movant shall file a response within fifteen days after service of the motion, and “[f]ailure to response timely to any motion, other than one requesting dismissal of a claim or action, may be deemed good grounds for granting the motion.”

In this case, Plaintiffs failed to respond to the motion within the fifteen days provided by the Local Rules. Accordingly, the Court finds that the motion should be granted for failure to respond. Plaintiffs are hereby ordered to produce all documents in their possession, custody or control related to an inspection of the welder by Valley View’s worker’s compensation insurer or its agents, including without limitation any and all documents the Plaintiffs received from P&C Subrogation

Group LLC within eleven days of the entry of this order.

IT IS SO ORDERED this 20th day of October, 2009.

s/ Charmiane G. Claxton
CHARMIANE G. CLAXTON
UNITED STATES MAGISTRATE JUDGE